

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

# WILLIE JONES,

**Plaintiff,**

**V.**

**DANIELLE UNKNOWN, et al.,**

## Defendants.

**CASE NO. 4:07CV3031**

# MEMORANDUM AND ORDER

This matter is before the court on its own motion. On September 18, 2007, the court dismissed Plaintiff's claims and entered judgment in favor of Defendants. (Filing Nos. 26 and 27.) On October 2, 2007, Plaintiff filed a notice of appeal of the court's judgment. (Filing No. 28.) However, when he filed that notice of appeal, Plaintiff did not submit the appellate filing fee of \$455.00, nor did he submit a motion to proceed in forma pauperis ("IFP"). (Filing No. 29.) Plaintiff is not a prisoner and has previously been granted leave to proceed IFP.

1Fed. R. App. P. 24(a)(3) states:

(a) Leave to Proceed in Forma Pauperis ....

(3) Prior Approval. A party who was permitted to proceed in forma pauperis in the district-court action, or who was determined to be financially unable to obtain an adequate defense in a criminal case, may proceed on appeal in forma pauperis without further authorization, unless the district court – before or after the notice of appeal is filed– certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis. In that event, the district court must state in writing its reasons for the certification or finding.

The court finds that Plaintiff's appeal is taken in good faith. Although Plaintiff did not submit a motion for leave to proceed on appeal IFP, because Plaintiff proceeded IFP in the district court, he may now "proceed on appeal in forma pauperis without further authorization."

IT IS THEREFORE ORDERED that:

1. Plaintiff is permitted to proceed on appeal in forma pauperis; and
2. The Clerk of the court shall provide the Court of Appeals with a copy of this memorandum and order.

DATED this 3<sup>rd</sup> day of October, 2007.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge